

REMARKS

This application has been reviewed in light of the Office Action dated January 26, 2007. Claims 22-29 and 34-37 are presented for examination, of which Claims 22, 23, 25 and 26 are in independent form. Claims 22, 23, 25 and 26 have been amended to define still more clearly what Applicants regard as their invention. Favorable reconsideration is requested.

Claims 22-29 and 34-37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,396,537 (Squilla) in view of U.S. Patent No. 5,806,005 (Hull) and in further view of U.S. Patent No. 5,842,131 (Yamane).

As shown above, Applicants have amended independent Claims 22, 23, 25 and 26 in terms that more clearly define what they regard as their invention. Applicants submit that these amended independent claims, together with the remaining claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

Claim 22 is directed to an image capture apparatus including: (1) an image capture unit adapted to capture a digital image; (2) a recording unit adapted to record the digital image captured by the image capture unit on a recording medium; (3) a wireless communication unit adapted to transmit the digital image recorded on the recording medium to an external recording apparatus; and (4) a control unit adapted to determine, using additional information corresponding to the digital image recorded on the recording medium, whether or not the digital image recorded on the recording medium is already transmitted to the external recording apparatus, the additional information being received from the external recording apparatus. The control unit controls the wireless communication unit to transmit the digital image recorded on the recording medium to the external recording apparatus if the control unit determines that the

digital image recorded on the recording medium is not already transmitted to the external recording apparatus, and the control unit avoids transmitting the digital image recorded on the recording medium to the external recording apparatus if the control unit determines that the digital image recorded on the recording medium is already transmitted to the external recording apparatus.

Among other notable features of Claim 22 are a control unit adapted to determine, using additional information corresponding to the digital image recorded on the recording medium, whether or not the digital image recorded on the recording medium is already transmitted to the external recording apparatus, the additional information being received from the external recording apparatus, wherein the control unit controls the wireless communication unit to transmit the digital image recorded on the recording medium to the external recording apparatus if the control unit determines that the digital image recorded on the recording medium is not already transmitted to the external recording apparatus, and wherein the control unit avoids transmitting the digital image recorded on the recording medium to the external recording apparatus if the control unit determines that the digital image recorded on the recording medium is already transmitted to the external recording apparatus.

Squilla does not teach or suggest all of these features and, from the Office Action, it is understood that the Examiner does not disagree. Squilla relates to a photographic system, including a camera, that is capable of interactive data communication with sources of digital data associated with one or more scenes. The Squilla system includes a processing center arranged to process images photographed by a camera and perform extra services such as albuming. The processing center is also arranged to download information associated with the

images via a telecommunication link. If the processing center is an image server center, there is no need for a telecommunication link since the information is on site. Applicants have found nothing in Squilla that would teach or suggest “a control unit adapted to determine, using additional information corresponding to the digital image recorded on the recording medium, whether or not the digital image recorded on the recording medium is already transmitted to the external recording apparatus, the additional information being received from the external recording apparatus, wherein said control unit controls said wireless communication unit to transmit the digital image recorded on the recording medium to the external recording apparatus if said control unit determines that the digital image recorded on the recording medium is not already transmitted to the external recording apparatus, and wherein said control unit avoids transmitting the digital image recorded on the recording medium to the external recording apparatus if said control unit determines that the digital image recorded on the recording medium is already transmitted to the external recording apparatus,” as recited in Claim 22 (emphasis added).

The Office Action admits, on pages 4-5, that Squilla fails to disclose that the signal is sent wirelessly to the recording apparatus and the information is transmitted to the external recording apparatus using information corresponding to the digital image recorded on the recording medium. Applicants agree that Squilla fails to disclose these features and additionally submit that Squilla fails to teach at least using additional information received from the external recording apparatus to determine whether or not the digital image recorded on the recording medium is already transmitted to the external recording apparatus, as recited in Claim 22.

Hull and Yamane fail to remedy the deficiencies of Squilla. Hull relates to a portable image capture system including a digital still camera, a cellular telephone transmitter, a central processing unit (CPU), a receiving station, and an image storage device. The digital still camera captures images in digital form and stores the images in a camera memory. The CPU controls the camera memory to cause it to output data representing an image and controls the cellular telephone transmitter to cause a cellular telephone to transmit the data received from the camera memory. The receiving station is coupled to the cellular telephone transmitter by a cellular network to receive image data and store the images.

Hull discusses marking an image read out from a memory 24 so that it can be overwritten, and transmitting the read out image to a server station 14. However, as discussed in detail in the November 3, 2006 Preliminary Amendment, nothing in Hull teaches or suggests determining, prior to image transmission, that the image is marked or not, or controlling the transmission means to avoid retransmission of the image. Applicants have found nothing in Hull that would teach or suggest “a control unit adapted to determine, using additional information corresponding to the digital image recorded on the recording medium, whether or not the digital image recorded on the recording medium is already transmitted to the external recording apparatus, the additional information being received from the external recording apparatus, wherein said control unit controls said wireless communication unit to transmit the digital image recorded on the recording medium to the external recording apparatus if said control unit determines that the digital image recorded on the recording medium is not already transmitted to the external recording apparatus, and wherein said control unit avoids transmitting the digital image recorded on the recording medium to the external recording apparatus if said control unit

determines that the digital image recorded on the recording medium is already transmitted to the external recording apparatus,” as recited in Claim 22 (emphasis added).

Yamane relates to a position data confirming system for confirming a position of a moving terminal. The system includes a service center wirelessly connected to a portable two-way radio communication network. When the service center receives a request for position retrieval of a subject, the service center retrieves from its databases an ID code and area information corresponding to the subject. This information is not retrieved from an external recording apparatus. Thus, Applicants have found nothing in Yamane that would teach or suggest “a control unit adapted to determine, using additional information corresponding to the digital image recorded on the recording medium, whether or not the digital image recorded on the recording medium is already transmitted to the external recording apparatus, the additional information being received from the external recording apparatus, wherein said control unit controls said wireless communication unit to transmit the digital image recorded on the recording medium to the external recording apparatus if said control unit determines that the digital image recorded on the recording medium is not already transmitted to the external recording apparatus, and wherein said control unit avoids transmitting the digital image recorded on the recording medium to the external recording apparatus if said control unit determines that the digital image recorded on the recording medium is already transmitted to the external recording apparatus,” as recited in Claim 22 (emphasis added).

Accordingly, Applicants submit that Claim 22 is patentable over Squilla, Hull and Yamane, whether considered separately or in any permissible combination (if any).

A review of the other art of record has failed to reveal anything which, in

Applicants' opinion, would remedy the deficiencies of the art discussed above, as a reference against Claim 22.

Independent Claim 23 recites features similar to those discussed above with respect to Claim 22 and therefore is believed to be patentable over the cited prior art for at least the same reasons discussed above in connection with Claim 22. Independent Claims 25 and 26 are method claims corresponding to Claims 22 and 23, respectively, and are believed to be patentable over the cited prior art for at least the same reasons as discussed above in connection with Claim 22.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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